

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**KEITH ERIC THOMPSON,**

**Plaintiff,**

**Case No. 05-CV-72048**

**v.**

**CORRECTIONAL MEDICAL  
SERVS., et. al.,**

**HONORABLE DENISE PAGE HOOD**

**Defendants.**

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**ORDER ACCEPTING REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Mona K. Majzoub's Report and Recommendation dated November 10, 2005. Neither party has filed objections to the Report and Recommendation.

Magistrate Judge Majzoub concluded that Plaintiff did not exhaust all administrative remedies before filing the section 1983 action, as required by the Prison Litigation Reform Act (PLRA) of 1995. The Magistrate Judge recommended that this Court grant Defendants' Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6), and deny as moot Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Mona K.

Majzoub, dated November 10, 2005, is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6) [**Docket Nos. 18 and 19, filed August 24, 2005 and September 16, 2005**] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Temporary Restraining Order [**Docket No. 4, filed May 24, 2005**] is MOOT.

IT IS FURTHER ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE.

/s/ Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

DATED: November 30, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record and Keith Thompson, Reg. No. 163650, Oaks Correctional Facility, 1500 Caberfae Highway, Eastlake, MI 49626 on November 30, 2005, by electronic and/or ordinary mail.

s/William F. Lewis  
Case Manager